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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/606,947	06/29/2000	Dieter Egelhof	P/3312-29	8489
2352	7590	11/04/2002		
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403				

EXAMINER

FIORILLA, CHRISTOPHER A

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 11/04/2002

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/606,947

Applicant(s)

EGELHOF ET AL.

Examiner

Christopher A. Fiorilla

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☒ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 1731

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 26-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Kunihisa et al. (5,445,713).

3. Applicant's arguments filed 8/22/02 have been fully considered but they are not persuasive.

Applicant has assigned names to loops in figure 2 of Kunihisa et al. and has compared them to independent claims 26 and 38 in an attempt to distinguish the claims from Kunihisa et al.

In "Exhibit II a" applicant argues the Kunihisa et al. patent fails to disclose at least the combination of the steps of:

forming a second fiber ply on a first wire of a first wire section that is located above the top side of the belt, wherein the forming of the second fiber ply begins upstream from the combining section with respect to the first direction, and

combining the first fiber ply on the belt with the second fiber ply on the first wire of the first wire section by applying the first wire of the first wire section onto the top side of the belt in the combining section from an angle above the belt.

This step is required by applicant's claim 26.

This argument is not persuasive. It is submitted that Kunihisa et al. does indeed disclose this combination of steps. The following explanation is based on Figure 2 of Kunihisa et al. and more specifically, Exhibit II of the amendment filed 8/22/02.

Art Unit: 1731

Kunihisa et al. discloses “forming a second fiber ply on a first wire of a first wire section that is located above the top side of the belt” by forming a fiber ply on 5 of “Loop C” as labeled by applicant. The second fiber ply is clearly formed on the top side of belt 4 since it is formed at location 3.

Kunihisa et al. discloses “the forming of the second fiber ply begins upstream from the combining section with respect to the first direction”. The combining section in Figure 2 is found below roll 10. The forming of the second fiber ply begins at 3, which is clearly upstream of the combining section (near 10) with respect to the first direction (approximated by the arrow above 12).

Kunihisa et al. discloses “combining the first fiber ply on the belt with the second fiber ply on the first wire of the first wire section by applying the first wire of the first wire section onto the top side of the belt in the combining section from an angle above the belt”. This takes place where 4 and 5 come into contact below roll 10.

In “Exhibit II b” applicant argues the Kunihisa et al. patent fails to disclose at least the steps of:

forming a second fiber ply in a twin-wire part between a first wire of a first wire section and a second wire of a second wire section, wherein the twin-wire part defines a gap former.

This step is required by the applicant’s claim 38.

This argument is not persuasive. Kunihisa et al. discloses “forming a second fiber ply in a twin-wire part between a first wire of a first wire section and a second wire of a second wire section, wherein the twin-wire part defines a gap former” in that Loop C and Loop B of Exhibit II define the first wire section and the second wire section respectively. These loops define a gap former below the roll to the right of 3 or below “B” in Figure 2.

Art Unit: 1731

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Fiorilla whose telephone number is 703-308-0674. The examiner can normally be reached on M-F, 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P. Griffin can be reached on 703-308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7718 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.



Christopher A. Fiorilla
Primary Examiner
Art Unit 1731

caf
October 31, 2002